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6 **UNITED STATES DISTRICT COURT**
7 **WESTERN DISTRICT OF WASHINGTON**
8 **AT SEATTLE**

9 OCEANGATE INC.,

10 Plaintiff,

11 vs.

12 DAVID LOCHRIDGE and CAROLE
13 REID LOCHRIDGE, and the marital
community composed thereof,

14 Defendants.

No. _____

**NOTICE OF REMOVAL OF
ACTION**

15 TO THE CLERK OF THE COURT:

16 PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1441 and 1446, Defendants
17 David Lochridge and Carole Reid Lochridge (“Defendants”) hereby file this Notice of Removal
18 of this case from the Superior Court of the State of Washington in and for the County of
19 Snohomish, case number 18-2-05651031, where it is currently pending, to the United States
20 District Court for the Western District of Washington, Seattle Division. This case is removable
21 to this Honorable Court pursuant to 28 U.S.C. § 1332 because the parties are citizens of different
22 states and the amount in controversy exceeds \$75,000 exclusive of costs or interest. *See*
23 **Exhibit A**, Complaint.
24

25 In support of such removal, Defendants respectfully show the Court as follows:
26

A. Procedural Matters

1. Plaintiff instituted this civil action in the Superior Court of the State of Washington, Snohomish County, on June 26, 2018.

2. The first date upon which Defendants received a copy of the said complaint was June 29, 2018, when Defendants were served copies of the summons and complaint from the said state court. A true and copy of the summons is attached hereto as **Exhibit B**.

3. Pursuant to 28 U.S.C. § 1446(b), this Notice of Removal is filed within thirty (30) days after service of the initial pleading on Defendants upon which such action is based.

4. Intradistrict Assignment: The United States District Court for the Western District of Washington, Seattle Division, is the federal judicial district embracing the Court of the Superior Court of the State of Washington, Snohomish County, where this suit was originally filed. Pursuant to 28 U.S.C. §§ 128(b) and 1441(a), and LCR 3(d), assignment in the Seattle Division for the Western District of Washington is proper.

B. Plaintiff's Allegations

5. Plaintiff alleges that Defendant David Lochridge violated the terms of his employment agreement by allegedly discussing matters related to his employment with Vulcan and other OceanGate employees. Complaint at ¶¶ 19, 32.

6. Plaintiff alleges that it spent \$16,267 on legal fees associated with immigration applications for Defendants. Complaint at ¶ 23. Plaintiff alleges that Defendant David Lochridge manufactured a reason to be terminated after the immigration process was completed.

7. Plaintiff brings claims for breach of contract, fraud, unjust enrichment, conversion, injunctive relief, and misappropriation of trade secrets. Complaint at ¶¶ 34-61.

1 **C. The Court had jurisdiction over Plaintiff's claims**

2 8. Complete diversity of parties exists in this case, as Plaintiff is a Washington
3 corporation with its principal place of business in Washington, and Defendants are citizens of
4 Texas. *See Exhibit C*, Declaration of Higgins.

5 9 The total amount in controversy exceeds \$75,000. *See* Declaration of Higgins.

6 10. Accordingly, the Court has jurisdiction over this claim pursuant to 28 U.S.C. §
7 1332(a).
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9 **D. Miscellaneous**

10 11. In accordance with 28 U.S.C. 1446(d), written notice of the filing of this Notice of
11 Removal will be given to the Plaintiff and to the Clerk of the Superior Court of the State of
12 Washington in and for the County of Snohomish.

13 12. The prerequisites for removal under 28 U.S.C. § 1441 have been met.

14 13 The allegations of this Notice are true and correct this cause is removable to
15 United States District Court for the Western District of Washington, Seattle Division.
16

17 **WHEREFORE**, Defendants, by and through their counsel, and through the filing of this
18 Notice of Removal, the giving written notice thereof to Plaintiff, and the filing of a copy of this
19 Notice of Removal with the clerk of the Superior Court of the State of Washington, Snohomish
20 County, effect the removal of said civil action to this Honorable Court.
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1 DATED this 24th day of July, 2018.

2 LAW OFFICES OF ALEX J. HIGGINS

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